APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/059,181	01/31/2002	Yaron Samid	01/21947	5354

7590 01/24/2005	EXAMINER
G.E. EHRLICH (1995) LTD. c/o ANTHONY CASTORINA 2001 JEFFERSON DAVIS HIGHWAY, SUITE 207 ARLINGTON, VA 22202	PILLAI, NAMITHA

ART UNIT	PAPER NUMBER
2173	

DATE MAILED: 01/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-127* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-127* is/are rejected.

7) ☒ Claim(s) *104* is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on *31 January 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some * c)☐ None of:

         1.☐ Certified copies of the priority documents have been received.

         2.☐ Certified copies of the priority documents have been received in Application No. _____.

         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
     Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Oath/Declaration

1.   The oath or declaration is defective. A new oath or declaration in compliance with 37

CFR 1.67(a) identifying this application by application number and filing date is required. See

MPEP §§ 602.01 and 602.02.

> The oath or declaration is defective because:
> The specification to which the oath or declaration is directed has not been adequately
> identified. See MPEP § 602. The oath or declaration does not specifically refer to the
> specification by the appropriate serial number.

Claim Objections

2.   Claim 104 is objected to because of the following informalities: the semicolon at the end

of the sentence must be replaced with a period. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis

for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
> in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
> patent by another filed in the United States before the invention by the applicant for patent, except that an
> international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
> subsection of an application filed in the United States only if the international application designated the United
> States and was published under Article 21(2) of such treaty in the English language.

3.   Claims 1-127 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by U. S.

Patent No. 6, 704, 031 B1 (Kimball et al.), herein referred to as Kimball.

     Referring to claim 1, Kimball discloses a data portal with one server (Figure 1). Kimball

discloses monitoring functionality for a monitoring and downloading data accessible via at least

one communications network (Figure 7). Kimball discloses selective uploading functionality for

uploading at least a selection of the monitored data to at least one user client (column 13, lines 44-59). Kimball discloses an interface for sending to the one user client with input capability for receiving the selection of monitored data (column 13, lines 44-59). Kimball discloses an active window display functionality for displaying information of the selected monitored data integrally within an active one of the plurality of application windows (column 14, lines 42-49).

Referring to claim 2, Kimball discloses active window follower functionality for maintaining the display in a new active window following exchange with a current active window so as to render information continuously displayable to a user irrespective of exchanging active windows (column 14, lines 42-49).

Referring to claims 3, 24, 42, 54 and 108, Kimball discloses that the plurality of application windows relate to independent applications (column 14, lines 32-37).

Referring to claims 4, 25, 43, 55, 78, 93 and 109, Kimball discloses a bar display functionality for displaying the information integrally within a bar within the active one of a plurality of application windows, the information being displayable within the bar independently of a content of a respective application of the active window (column 14, lines 32-49).

Referring to claims 5, 26, 44, 56, 66, 79, 94 and 110, Kimball discloses that the bar is selected from the group consisting of bars that appear at the top of, at the bottom of, at the side of and central to the active one of a plurality of application windows (Figure 8).

Referring to claims 6, 27, 45, 57, 67, 80, 95 and 111, Kimball discloses that the bar comprises information superimposed on existing window bar functionality (column 14, lines 37-39).

Referring to claims 7, 28, 46, 58, 68, 81, 96 and 112, Kimball discloses that the information displayed integrally within the bar is configurable to consume less than the entire span of the bar (Figure 8).

Referring to claims 8, 29, 47, 59, 69, 82, 97 and 113, Kimball discloses that the bar display functionality is configurable to dissolve the information in and out of visibility (Figure 7).

Referring to claims 9 and 114, Kimball discloses user selection functionality for user definition of the selection of data for uploading (column 13, lines 44-59).

Referring to claims 10 and 115, Kimball discloses that the interface is capable of storing the uploaded information in a memory of a user client (column 16, lines 3-4).

Referring to claim 11, Kimball discloses the selection of data (column 13, lines 44-47).

Referring to claims 12, 34, 35 and 117, Kimball discloses notification that the selection of data is stored in memory (column 13, lines 44-50).

Referring to claims 13, 36 and 118, Kimball discloses at least one link for retrieving the selection of data from memory (column 13, lines 44-47).

Referring to claims 14, 37, 49, 61, 72, 83, 98 and 119, Kimball discloses that the interface is capable of displaying the information in the active window when user is offline (Figure 9).

Referring to claims 15, 38, 50, 62, 73, 84, 99 and 120, Kimball discloses that the interface comprises a user operable function for making the information display invisible (Figures 8 and 9).

Referring to claims 16, 39, 51, 63, 74, 85, 100 and 121, Kimball discloses that the interface comprises a user operable function for making the information display larger and smaller (Figures 9 and 10).

Referring to claims 17, 40, 52, 64, 75, 86, 101 and 122, Kimball discloses that the interface application further comprises a user operable function for revising the configuration of the information display (column 14, lines 50-53).

Referring to claims 18, 87, 102 and 123, Kimball discloses that the communications network is the Internet (Figure 5).

Referring to claim 19, Kimball discloses that the server comprises website monitoring and downloading functionality for monitoring and downloading data from at least one website selected by a user (column 13, lines 44-55 and column 14, lines 42-47).

Referring to claims 20, 31 and 89, Kimball discloses monitoring and downloading functionality is capable of identifying data designated by at least one website for downloading (column 13, lines 44-61).

Referring to claims 21, 32, 90, 105 and 127, Kimball discloses that monitoring and downloading functionality is capable of identifying updates and changes to at least one website (Figure 7).

Referring to claims 22, 33, 91 and 106, Kimball discloses that the monitoring and downloading functionality is capable of identifying dynamically changing data (column 14, lines 42-49).

Referring to claim 23, Kimball discloses a data portal in communication with a user client having a screen display and a memory (Figure 2). Kimball discloses a monitoring

application, which is capable of sending an agent to at least one data source (column 13, lines

44-51). Kimball discloses the agent being capable of monitoring and downloading data

therefrom and further capable of transferring the data from at least one data source to user client

with the user client storing the data in memory (column 13, lines 44-62). Kimball discloses an

interface application with an active window display functionality for displaying information

integrally within an active one of a plurality of applications (column 14, lines 42-49). Kimball

discloses windows displayed on the screen display and active window follower functionality for

maintaining the display in a new active window following exchange with a current active

window so as to render the information continuously displayable to a user irrespective of

exchanging active windows (Figure 8 and column 14, lines 42-49).

Referring to claim 30, Kimball discloses user selection functionality for user definition of the

selection of data for downloading (column 13, lines 44-59).

Referring to claim 41, Kimball discloses an interface application supportable by a user client

(column 1, lines 42-43). Kimball discloses an active window display functionality for displaying

information integrally within an active one of a plurality of application windows (column 14,

lines 42-49). Kimball discloses that the information is selected from a group consisting of

externally generated data and derivatives of externally generated data (column 13, lines 44-59).

Kimball discloses memory of the user client, links to externally generated data and active

window follower functionality for maintaining the display notification that externally generated

data is stored in a new active window following exchange with a current active window so as to

render the information continuously displayable to a user irrespective of exchanging active

windows (Figure 8 and column 14, lines 42-49).

Referring to claims 48, 60 and 71, Kimball discloses user selection functionality for user definition of data for display (column 13, lines 44-47).

Referring to claim 53, Kimball discloses an interface application supportable by a user client (column 1, lines 42-43). Kimball discloses an active window display functionality for displaying information integrally within an active one of a plurality of application windows (column 14, lines 42-49). Kimball discloses active window follower functionality for maintaining the display notification that externally generated data is stored in a new active window following exchange with a current active window so as to render the information continuously displayable to a user irrespective of exchanging active windows (Figure 8 and column 14, lines 42-49).

Referring to claim 65, Kimball discloses an interface application supportable by a user client (column 1, lines 42-43). Kimball discloses a bar display functionality for displaying information integrally within an active application window (column 14, lines 42-49). Kimball discloses that the information is selected from a group consisting of externally generated data and derivatives of externally generated data (column 13, lines 44-59). Kimball discloses notification that the externally generated data is stored in the memory of the user client, links to externally generated data and bar display functionality being capable of displaying the information in the bar independently of a respective application associated with the active window (Figure 8 and column 14, lines 42-49).

Referring to claim 70, Kimball discloses moving the information to a bar of a newly active window with exchange of said active window (column 14, lines 32-50).

Referring to claim 76, Kimball discloses a method of viewing data accessible via a

communications network (column 1, lines 7-10). Kimball discloses a. selecting at least one data

source, connecting to a server operable to monitor the at least one user (column 14, lines 1-10).

Kimball discloses selected data source and to download data therefrom, receiving from the

server, the data from the at least one user selected data source (column 13, lines 44-59). Kimball

discloses displaying information integrally within an active one of a plurality of application

windows appearing on a screen display, the information including one or more selected from the

group consisting of the data (32-41). Kimball discloses notification that the data has been

received, and links to the data, and moving the display to a new active window following

exchange with a current active window so as to render the information continuously displayable

to a user irrespective of exchanging active windows (column 14, lines 32-44).

Referring to claim 77, Kimball discloses storing the data in a memory and retrieving the data

from the memory (column 19, lines 5-12).

Referring to claims 88, 103 and 124, Kimball discloses that the at least one data source is a

web site (column 14, lines 33-35).

Referring to claim 92, Kimball discloses a method of supporting continuous display of

information at a user client (column 14, lines 42-49). Kimball discloses supplying at least one

user client having a memory and a screen display with an interface application (Figure 1).

Kimball discloses monitoring at least one data source, downloading data from the at least one

data source, uploading the data to the at least one user client for storage in the memory (column

13, lines 44-60). Kimball discloses via the interface application, retrieving the data from the

memory and via the interface application, displaying information integrally within an active one

of a plurality of application windows appearing on the screen display, the information including

one or more selected from the group consisting of the data, notification that the data is stored in

the memory, and links to the data, the interface application comprising active window follower

functionality for maintaining the display in a new active window following exchange with a

current active window so as to render the information continuously displayable to a user

irrespective of exchanging active windows (column 13, lines 44-60 and column 14, lines 32-52).

Referring to claim 104, Kimball discloses that the data is designated by the website (column

14, lines 32-35).

Referring to claim 107, Kimball discloses a system for viewing data comprising a server

capable of accessing at least one data source via a communications network and having

downloading and uploading functionality for downloading data from the data source (column 13,

lines 44-60). Kimball discloses uploading the data to a user client and a user client supporting an

interface, the interface comprising an active window, display functionality for displaying

information integrally within an active one of a plurality of application windows on the user

client independently of a content of a respective application of the active window (column 13,

lines 44-60). Kimball discloses active window follower functionality for moving the display to a

new active window following exchange with a current active window so as to render the

information continuously displayable to a user irrespective of exchanging active windows

(column 14, lines 42-49).

Referring to claim 116, Kimball discloses that information comprises data (Figure 7).

Referring to claim 125, Kimball discloses recognition functionality for recognizing for

download, data designated by the website (column 13, lines 44-60).

Conclusion

4.   The prior art made of record on form PTO-892 and not relied upon is considered

pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider

these references fully when responding to this action. The documents cited therein teach the

method for display bar window.

Responses to this action should be mailed to: Commissioner of Patents and

Trademarks, Washington D.C. 20231. If applicant desires to fax a response, central FAX

number (703) 872-9306 may be used. NOTE: A Request for Continuation (Rule 60 or 62)

cannot be faxed.

Please label "PROPOSED" or "DRAFT" for informal facsimile communications. For

after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the

document. Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,

Arlington. VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Namitha Pillai whose telephone number is (571) 272-4054. The

examiner can normally be reached on 8:30 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

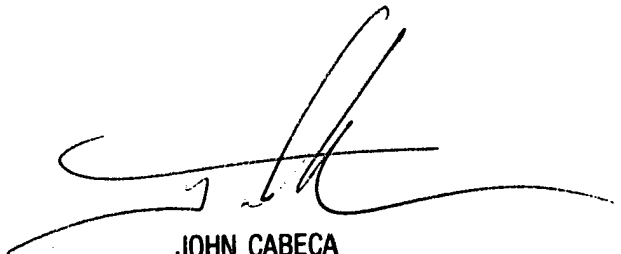supervisor, John Cabeca can be reached on (571) 272-4048.

All Internet e-mail communications will be made of record in the application file. PTO

employees do not engage in Internet communications where there exists a possibility that

sensitive information could be identified or exchanged unless the record includes a properly

signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly

set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and

Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the Group receptionist whose telephone number is (703) 305-3800.

Namitha Pillai
Assistant Examiner
Art Unit 2173
January 21, 2005

JOHN CABECA
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